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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
29250-000550/US

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Application Number
10/027,580Filed
December 21, 2001First Named Inventor
Sunil K. GUPTA

On _____

Art Unit
2626Examiner
Vo, Huyen X.

Signature _____

Typed or printed name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

 (Reg. No. 668000)
Signature

for Gary D. Yacura
Typed or printed name

(703) 668-8000
Telephone number

August 16, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Sunil K. GUPTA
Application No.: 10/027,580
Filed: December 21, 2001
Group: 2626
Examiner: Vo, Huyen X.
For: METHOD AND SYSTEM FOR UPDATING AND CUSTOMIZING
RECOGNITION VOCABULARY

Attorney Docket No.: 29250-000550/US

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Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop AF

August 16, 2007

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Sir:

In response to the Final Office Action mailed on May 16, 2007, ("Final Office Action"), Applicants request that the Pre-Appeal Brief Review Board (hereinafter Board) review the pending rejections. The Reasons for Pre-Appeal Brief Request for Review are being filed concurrently with the Pre-Appeal Brief Request for Review and a Notice of Appeal.

Claims 8-11, 13 and 14 are pending in the current Application and stand rejected. Claim 8 is the sole independent claim.

Rejections for which Conference is Requested

A Pre-Appeal-Brief Conference is requested to review the rejection of claims 8-11 and 14 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,587,824 (“Everhart”) in view of U.S. Patent No. 6,185,535 (“Hedin”), and the rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Everhart in view of Hedin and further in view of U.S. Patent No. 6,161,090 (“Kenevsky”).

Initially, please refer to Applicants’ arguments on pages 4-6 of the February 20, 2007 Amendment.

Claims Rejected under 103(a)

The Examiner acknowledges that Everhart fails to specifically disclose a server in communication with the client device (see page 3 of the Final Office Action), but alleges that Hedin discloses this particular deficiency of Everhart. Applicants respectfully maintain, as argued in the Amendment filed February 20, 2007, that Everhart and Hedin are not properly combinable, and that Everhart clearly teaches away from such a combination.

The Examiner has responded that Everhart is relied upon only for the teaching of speech recognition adaptation. The Examiner states that “[i]f one combines the teaching of speech recognition adaptation (and leave the in-vehicle applications alone) with the client-server system of Hedin, one would obtain the claimed invention” (see the Response to Arguments section of the Final Office Action). Applicants would like to remind the Examiner that a reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. In determining the differences between the cited art and the claims, the

question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious (see MPEP § 2141.02).

As discussed in the Amendment filed February 20, 2007, Applicants maintain that Everhart is clearly limited to in-vehicle speech recognition, and modifying the system of Everhart to provide a server-to-client relationship would unduly stretch the teachings disclosed and suggested therein by ignoring the greater context of Everhart's disclosure. Applicants respectfully submit that one of ordinary skill in the art would not combine Hedin with Everhart in order to add a client-to-server relationship to the in-vehicle system of Everhart.

The modification proposed by the Examiner would incorporate the teachings of Hedin, where a more powerful remote application is used in conjunction with a local speech recognition system, into the speech adaptation method of Everhart. According to Hedin, the local, client part includes a simple speech recognition system capable of recognizing a small number (e.g., up to about 50) isolated words. A more powerful speech recognition system capable of recognizing a large vocabulary of words supplied in continuous speech is implemented in the remote application server part (see col. 4, line 66 through col. 5, line 3 of Hedin).

The Examiner asserts that it would have been obvious to combine Everhart and Hedin "in order to improve speech recognition efficiency by providing a more powerful speech recognizer at the server to recognize words/commands that speech recognizer of the client device is not capable of recognizing" (see page 3 of the Final Office Action). In addition to previously submitted arguments referenced above, Applicants would like to point out that Everhart teaches that the incorporation of a more powerful speech recognition system, such as the remote server system described in Hedin, for in-vehicle operations is impractical and has several undesirable

effects. In the Background section, Everhart discusses how conventional, more powerful speech adaptation system training routines (used for adaptation, which is the focus of Everhart) are inconvenient and time consuming for the user due to the numerous training command input iterations (see col. 2, lines 7-22). Everhart states that “there is a need for a simple and effective technique for adapting an in-vehicle speech recognition system to correct incorrectly recognized voice commands” (see col. 2, lines 23-25 of Everhart). Thus, Everhart explicitly teaches away from using complex speech recognition algorithms, such as those employed in the remote server disclosed in Hedin.

In fact, the purpose of the speech adaptation system of Everhart is to avoid employing a more powerful speech recognition system by allowing the user to customize the in-vehicle commands to his particular speech characteristics (i.e. his individual voice). In contrast, Hedin does not provide speech adaptation at all, but simply provides a remote server with an extensive vocabulary and more elaborate speech recognition algorithms to alleviate the very problem Everhart addresses, i.e. continually misinterpreted words. The teachings of Hedin add more complexity to the algorithms, whereas Everhart works around a lack of complexity by allowing the user to make corrections directly. Thus, Everhart further teaches away from adding more complex computer processing by simply letting the user do it himself.

Furthermore, given the limited number of commands available to car passengers (only three – power windows, power locks, and climate control – are mentioned in Everhart), Applicants submit that a remote server capable of recognizing a significantly more extensive vocabulary than a client device (which itself can recognize up to about 50 words according to Hedin) is quite excessive, and essentially useless, from the standpoint of Everhart. The assertion that one of ordinary skill in the art would be motivated to incorporate the additional complexity

involved in coordinating a client device with a server device in a moving vehicle passing through tunnels, etc., all to perform the simple task of, for example, opening a window, seems highly implausible.

For at least the above reasons, Applicants believe the rejection of claims 8-11, 13 and 14 under 35 U.S.C. 103(a) is improper, and request that the rejection be withdrawn.

CONCLUSION

In view of the above remarks, Applicants request the Pre-Appeal Brief Conference to find in favor of Applicants' positions and arrange for withdrawal of the above-noted rejections, culminating in the sending of a Notice of Allowance of the pending claims.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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